

WK:RB
F. #2023R00013

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

FERNANDO FRIAS,

Defendant.

C O M P L A I N T

(18 U.S.C. §§1951(a) and 2)

Case No. 23-MJ-65

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EASTERN DISTRICT OF NEW YORK, SS:

PHOENIX ASHTON-BUCKNOR, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation (“FBI”), duly appointed according to law and acting as such.

On or about December 31, 2022, within the Eastern District of New York and elsewhere, the defendant FERNANDO FRIAS did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of jewelry from the Zales jewelry store located in 90-15 Queens Boulevard in Queens, New York (“ZALES”).

(Title 18, United States Code, Sections 1951(a) and 2)

The source of your deponent’s information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Special Agent with the FBI and have been for approximately three years. Prior to being a Special Agent with the FBI, I was a police officer at the New York City Police Department (“NYPD”) for four years. My experience has included investigating and tracking individuals involved in a variety of crimes, including robberies, burglaries and other violent crimes. In the course of my work, I have conducted physical surveillance, and interviewed civilian witnesses and victims. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, photos and videos; and from reports of other law enforcement officers involved in the investigation. Where I describe the statements of others, I am doing so only in sum and substance and in part.

2. On or about December 31, 2022, at approximately 11:23 a.m., a gunman, determined to be FERNANDO FRIAS (“FRIAS”), went inside ZALES, asked to see a diamond ring, and while the salesclerk opened the glass case, the gunman pulled a black firearm from his waistband, pointed it at the salesclerk, and demanded that she leave the case open. The salesclerk retreated backwards as the gunman climbed over the glass case and began shoveling jewelry into a bag. The value of the stolen property was approximately \$250,000. The gunman was wearing a mask and orange gloves at the time of the robbery.²

3. The crime was captured on video surveillance showing the gunman wearing a light-colored hoodie with a large orange square image on its back, camouflage pants, and grey and white sneakers. Video surveillance also captured the gunman entering and leaving

² The salesclerk described perceiving the gunman as being a Hispanic male, approximately 20-30 years old, 5’6”, wearing orange gloves, a facemask, grey and orange hooded sweatshirt and camo pants. While FRIAS, a Hispanic male, is 51 years old, he has been established to be the perpetrator for the reasons described below.

the Mall in the same distinctive clothing immediately before and after the crime. Before and after the crime the gunman is also depicted wearing orange gloves. Figures 1 and 2 show the gunman entering and leaving the Mall respectively, while Figures 3 and 4 depict the gunman inside ZALES during the armed robbery. ZALES sells jewelry manufactured outside the State of New York.

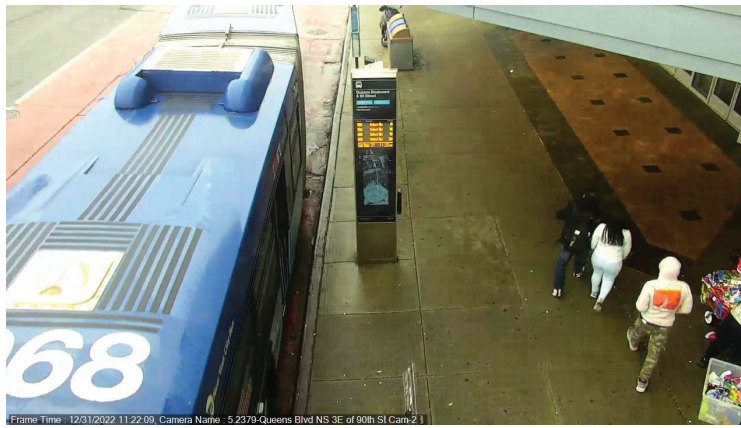


Figure 1

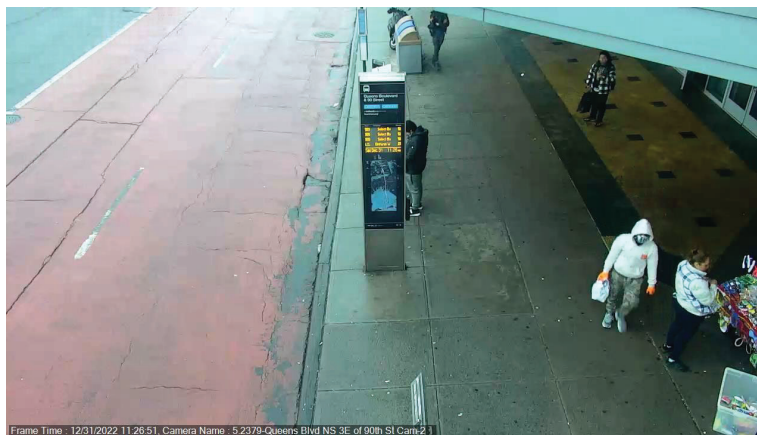


Figure 2

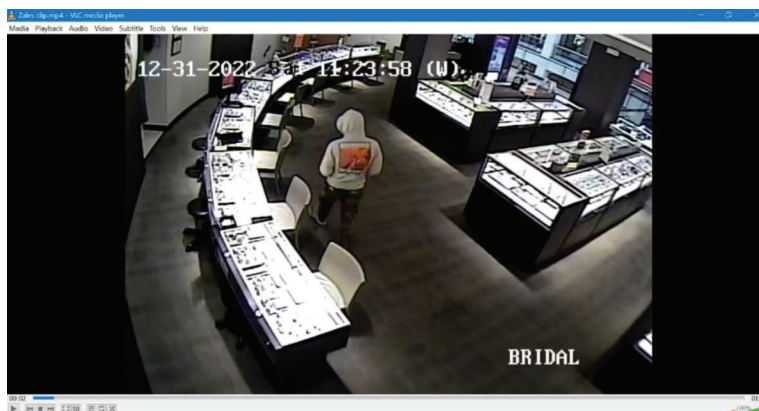


Figure 3



Figure 4

4. A video canvass from before and after the armed robbery shows that FRIAS is the armed robber based on, among other things: his departure from and return to 109-15 Centreville Street (“FRIAS’s Building”); the consistent route he took between FRIAS’s Building and the Mall, both going to and coming from the crime; the clothes he was wearing; and images plainly showing him without a hoodie or a mask. The canvass reveals that on December 31, 2022, about half-an-hour before the armed robbery, a white work van (the “Van”) arrived across the street from FRIAS’s Building, and FRIAS emerged from the threshold of FRIAS’s Building. Once the Van arrived, FRIAS walked from the main entrance of FRIAS’s

Building, wearing the above-described outfit, and entered the passenger side of the Van.³ The Van travelled to the Mall, and at approximately 11:17 a.m., the Van approached the Mall, though seemingly strategically did not reach the Mall. Rather, the Van got close enough for FRIAS to walk a very short distance to the Mall, and it made a u-turn and waited under an overpass.

5. After the crime, additional video shows FRIAS fleeing from the Mall towards where the Van was waiting, and reveals the headlights of the Van coming on at the approximate time FRIAS would have reached the Van. The Van then returned to the vicinity of FRIAS's Building via the same route it took going to the Mall. Surveillance depicts the Van returning to the vicinity of FRIAS's Building at approximately 11:48 a.m., where it remained idle in the same location for approximately 30 minutes. At approximately 12:25 p.m., FRIAS, having been standing outside of the passenger side of the Van for a portion of that time, walked away from the Van towards FRIAS's Building. The Van made a u-turn and drove off. While walking away from the Van, FRIAS is seen shoving or concealing what appears to be the light-colored bag used to collect the loot from the robbery, depicted in Figure 4 above, into his waist area.

6. At approximately 12:26 p.m., security video captures FRIAS less than 200 feet from FRIAS's Building, walking down the sidewalk, having just walked away from the Van, wearing the camouflaged pants, and the grey and white sneakers he was wearing during the armed robbery, and also wearing a dark t-shirt and a dark jacket.⁴ Notably, in this video (as opposed to the video of the armed robbery) FRIAS was not wearing a mask and thus his face,

⁴ The video timestamp is 12 minutes fast.

hairline, gait and stature are all captured. Stills from that video are depicted in Figure 5.1 and 5.2 below.



Figure 5.1

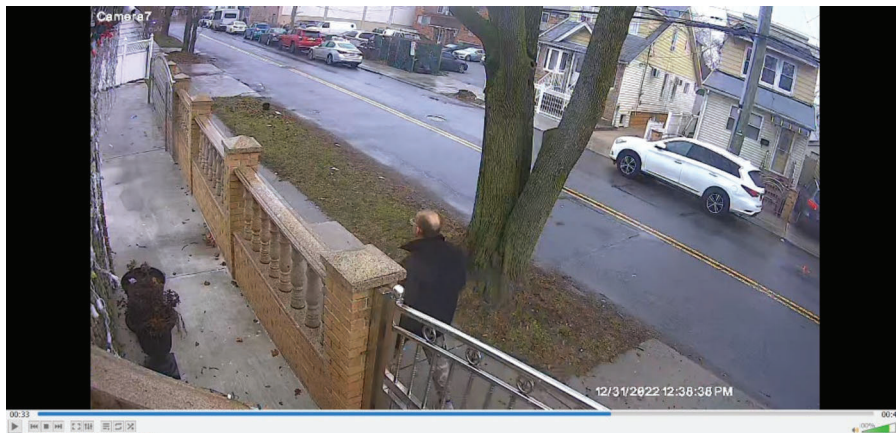


Figure 5.2

7. FRIAS was identified by an NYPD detective who is familiar with him. FRIAS has been arrested multiple times for theft-related crimes, most recently on February 24, 2022, stemming from three felonious theft-related incidents occurring on February 8, 14, and 19, 2022. The identifying detective (the “Detective”) is familiar with FRIAS, specifically his face, body, and gait, because the Detective was the arresting officer from the February 24, 2022, crimes; FRIAS has been the person of interest in approximately 20 crimes over a one year period, many of which have captured him on video surveillance, many of which the Detective

has been involved in investigating; and during the February 24, 2022 arrest, FRIAS gave a statement to police, identifying himself in a still photograph associated with those crimes. Following his arrest in that case, FRIAS provided his address as 109-15 Centreville Street, Queens, New York (FRIAS's Building), and that case is pending in state court.

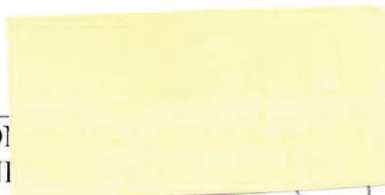
8. Most recently, on January 17, 2023, a search warrant was executed at FRIAS's apartment, located at 109-15 Centreville Street (inside FRIAS's Building) where the camouflaged pants, the grey and white sneakers, and the dark t-shirt depicted above were all recovered. On January 17, 2023, FRIAS identified himself as the person depicted in the video roll from which Figures 5.1 and 5.2 came.

WHEREFORE, your deponent respectfully requests that the defendant
FERNANDO FRIAS be dealt with according to law.



PHOENIX ASHTON-BUCKNOR
Special Agent
Federal Bureau of Investigations

Sworn to before me on January 20, 2023



HONORABLE _____ S, JR.
UNITED STATES JUDGE
EASTERN DISTRICT OF NEW YORK